

## **REMARKS**

### **Status of the Claims.**

Claims 1, 27-37, 41-49, and 123-186 are pending with entry of this amendment, claims 2-26, 38-40, 50-122, 187-191 being cancelled and no claims being added herein. Claims 1, 27, 28-33, 35, 41-48, 123-124, 129-131, 141, 142, 151, 152, 162, 164, 175, and 181 are amended herein. These amendments introduce no new matter. Support is replete throughout the specification (*e.g.*, in the claims as originally filed).

### **Election/Restriction.**

Pursuant to a restriction requirement made final, Applicants cancel claims 2-26, 50-122, and 187-191 with entry of this amendment. Please note, however, that Applicants reserve the right to file subsequent applications claiming the canceled subject matter and the claim cancellations should not be construed as abandonment or agreement with the Examiner's position in the Office Action.

### **Sequence Listing Rules.**

The Examiner indicated that the application is not in compliance with sequence rules, 37 C.F.R. §§ 1.821-1.825. In particular the Examiner noted that the Sequence Listing contained 464 sequences, while the specification identified 465 SEQ ID NOs.

A Replacement Sequence listing correcting this defect is enclosed herewith. In particular, a disk containing the referenced sequence(s) in computer readable form, and a paper copy of the sequence information that has been printed from the floppy disk are provided herewith. The information contained in the computer readable disk was prepared through the use of the software program "PatentIn" and is identical to that of the paper copy.

### **Information Disclosure Statement.**

Applicants note with appreciation the Examiner's thorough consideration of the references cited in the Information Disclosure Statement (Form 1449) submitted on November 11, 2003, and May 27, 2004. Applicants note that the IDS filed on May 27m, 2004 consisted of only a single page of references. There is no second page of references.

**Objections to the Disclosure.**

The disclosure was objected to because the abstract was allegedly insufficiently detailed as to the structure of the peptides. The abstract is corrected herein by amendment.

The disclosure was objected to because the status of the U.S. applications referred to at page 34, line 16 needed to be updated, because the word "typically" as page 46, line 18 is misspelled, and because the SEQ ID NO at page 89, line 1 is incorrect. This is corrected with entry of the present amendment.

The disclosure was objected to because it contains an embedded hyperlink at page 18, line 7. The specification is amended herein to eliminate the embedded hyperlink.

**35 U.S.C. §112, Second Paragraph.**

Claims 1, 27-38, 40-49, and 123-186 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite because recitation of the term "having" allegedly left the claim unclear as to whether the formula represented open ("comprising") or closed ("consisting of") claim language. Claim 1 is amended herein to clarify that the formula represents "closed" claim language thereby obviating this rejection.

Claims 32, 33, 35, 46, 47, 130-174, and 181 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the reasons described below:

At claim 32, lines 2 and 14, "OTBu" and "t-butoxy (tBuO)" are duplicate groups. . The second occurrence is deleted with entry of this amendment.

At claim 32, lines 2-3 and 11, "a benzyol group" and "Benzyol (BZ)" are duplicate groups. The second occurrence is deleted with entry of this amendment..

At claim 32, lines 3 and 6, "carbobenzoxy" and "benzyloxycarbonyl" are duplicate groups. . The second occurrence is deleted with entry of this amendment.

At claim 32, line 3, a comma was required after "pentyl" and at line 4 "and" should be deleted. The comma is added and the "and" is deleted with entry of this amendment.

At claim 32, lines 4-5 the phrase "a 3 to 20 carbon alkyl" was repeated. The second occurrence is deleted with entry of this amendment.

At claim 32, lines 6-7 the parenthetical phrase should be deleted. The phrase is deleted with entry of this amendment.

In the protecting group bridging claim 32, lines 15 and 16, the beginning brackets "[" and "{" did not match the end brackets ")" and "}". This is corrected with entry of the present amendment.

At claim 32, line 17, "and" was required after the first comma in the line. The "and" is inserted with entry of the present amendment.

In the protecting group at claim 32, line 17, the beginning bracket "[" does not match the end parenthesis ")". This is corrected with entry of the present amendment.

In claim 33, there was an extra occurrence of "said". The extra "said" is deleted with entry of the present amendment.

Per the Examiner's request, the same corrects made to the protecting group names recited in claim 32, are also made to the protecting group names recited in claim 35.

Per the Examiner's request, in claims 46 and 47 "said polypeptide" is changed to "said peptide".

At claim 130, line 2 and claim 142, line 3, "erythematosis" was misspelled. This is corrected with entry of the present amendment.

At claim 130, line 3 and claim 142, line 4, "Alzheimer's" was misspelled. This is corrected with entry of the present amendment.

At claim 130, line 3 and claim 142, line 4, either "a" should be deleted or "illnesses" should be changed to "illness". This is corrected with entry of the present amendment.

For clarity, the Examiner requested insertion of the language "one or more of" in at claim 131, line 3, claim 151, line 2, and claim 162, line 4. These claims are so amended herein.

In claim 141 there was an extra comma. This is deleted with entry of the present amendment.

In claims 152, line 3, 164, line 3, and 181, line 3, there was a period after "lovastatin". The period is changed to a comma with entry of the present amendment.

**35 U.S.C. §102 and 103(a).**

The rejections under 35 U.S.S. §102 and 103 are obviated in view of the amendments discussed below.

**Allowable Subject Matter.**

Applicants note with appreciation the Examiner's indication that claims 30, 33-37, 41, 42, and 49 would be allowable if rewritten to overcome rejection(s) under 35 U.S.C. §112, second paragraph, the claim objections set forth in the Office Action, and to include all of the limitations of the base claim and any intervening claims.

Accordingly, claim 1 is re-written incorporating the limitations of claim 30 and intervening claims and is therefore understood to be in condition for allowance. The remaining claims all incorporate the limitations of claim 1 and are therefore understood to be in condition for allowance as well.

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Should the Examiner seek to maintain the rejections, Applicants request a telephone interview with the Examiner and the Examiner's supervisor.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3513.

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Respectfully submitted,



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